

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

LEGAL UNIT



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

HELENA, MONTANA 59620

ENVIRONMENTAL PROTECTION
AGENCY

August 9, 1988

AUG 18 1988

MONTANA OFFICE

WITH ATTACHMENTS
SEE DATA BASE*Montana
Enforcement
Capabilities
1130100*

Thomas A. Speicher
Regional Counsel
United States Environmental
Protection Agency
Region VIII
999 - 18th Street
Denver, Colorado 80202-2405

Re: State Enforcement Lead: Sufficiency of Legal
Authorities

Dear Mr. Speicher:

Since your letter of January 8, 1988, the State and EPA have had various communications about the referenced issue and Tom Eggert, our staff attorney, has responded to several legal questions posed by the office of Regional Counsel.

Enclosed herewith is an Independent Legal Counsel Statement certifying to you that the State of Montana has sufficient authorities to assume enforcement as well as technical lead at sites determined by EPA and the State to be appropriate for such an allocation of responsibility. Appendix B of this Statement will be provided to you in the next day or two.

A copy of this ILC has been forwarded to Attorney General Mike Greely for his review and concurrence.

I trust that your review of the ILC Statement will lead to a favorable conclusion and that discussions on State lead may promptly resume.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank C. Crowley", with a long horizontal flourish extending to the right.

Frank C. Crowley, Special
Assistant Attorney General

RECEIVED
JUL 1 1964

cc: Dr. Drynan
George Schunk, Attorney General's Office

**INDEPENDENT
LEGAL COUNSEL
STATEMENT**

State Enforcement Lead:
Sufficiency of Legal Authorities
August 9, 1988